S.B. Civil Misc. Appeal No.258/2005
Rajasthan State Road Transport Corporation, Bhilwara
Vs
Master Nitin Kumar & Anr.

DATE OF ORDER : - 3.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.VK Mathur, for the appellant.
Mr.Manishi Pitalia, for the respondents.

<><><>

Heard learned counsel for the parties.

In the accident, which was alleged to have been caused by the driver of the appellant while driving roadways bus no.RJ-07-P-1461, a young boy of the age of 12 years suffered injuries which includes paralytic squint in one of the eye resulting into 15% permanent disablement. The tribunal awarded total compensation of Rs.90,000/- to the victim boy.

The appellant is, therefore, aggrieved against the award dated 20th August, 2004 passed by the Motor Accident Claims Tribunal on claim petition filed on behalf of the minor boy.

According to learned counsel for the appellant from the site inspection report prepared by the police, it is clear that the boy came

running in the middle of the road and, therefore, he suffered injuries and the driver was not negligent in driving the vehicle. It is also submitted that the amount awarded to the victim is too high. According to learned counsel for the appellant the medical bills of only Rs.5700/- have been produced by the claimant whereas compensation of Rs.15,000/- was allowed by the tribunal on account of medical and other expenses. The tribunal also awarded compensation of Rs.20,000/- because of dis-figuration and Rs.50,000/- on account of permanent disablement. According to learned counsel for the appellant by this, the tribunal has awarded two compensations for one cause.

I considered the submissions of learned counsel for the appellant and perused the record also. It appears from the fact that a young boy suffered injury at a place where the vehicle could not have been driven at so fast speed. The FIR was immediately lodged and, thereafter, the police investigated the matter. The victim, who was young boy of 10 to 12 years suffered injuries, on face and more particularly, in one eye resulting into paralytic squint giving rise to dipilopia and according to learned counsel for the respondent-claimant because of this reason, the victim sees two objects in place of one. A medical board was constituted and the victim was examined. Apart from above injury in the eye, there are other injuries on head and particularly, in brain of the young boy.

In view of the above, I do not find that the tribunal has committed any error of fact or law in awarding compensation of Rs.90,000/- to the victim after holding the appellant's driver guilty for driving the vehicle rashly and negligently.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-